

REMARKS

Present Status of Patent Application

Upon entry of the amendments in this response, claims 1-2 and 4-20 are pending in the application. Claims 1 and 9 have been amended herein, and claims 18-20 have been added. It is believed that no new matter is added by the amendments and new claim added herein.

Claim Rejections under 35 U.S.C. §103(a)

Claims 1-17 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,758,305 (hereinafter "*Gelin et al.*") in view of U.S. Patent No. 5,858,521 (hereinafter "*Okuda et al.*"). Applicants respectfully traverse.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under 35 U.S.C. § 103 to establish obviousness by showing objective teachings in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The key to supporting an allegation of obviousness under 35 U.S.C. § 103 is the clear articulation of the reasons why the Examiner believes that the claimed invention would have been obvious. See MPEP § 2141. As stated by the Supreme Court, "[r]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR v. Teleflex*, 127 S. Ct. 1727, 1741, 82 USPQ2d at 1396 (quoting *In re Kahn*, 441 F.3d 977, 988, 78

USPQ2d 1329, 1336 (Fed. Cir. 2006)). Applicants respectfully submit that the Examiner has not established with clearly articulated reasons that Applicants' claims are obvious in view of the cited art.

Independent claims 1 and 9 have been amended to recite the feature "wherein the soundproofing material consists essentially of a polyvinyl chloride composition and at least one filler." Nothing in the cited art teaches or suggests this feature. With respect to the feature of the soundproofing material comprising a polyvinyl chloride composition, the Examiner relies on various citations in *Okuda et al.* that discuss polyvinyl chloride only as a filler for its soundproofing material. See *Office Action* at 3 (citing *Okuda et al.* at Fig. 1, item 3; col. 4, lines 28-30 and 49-60). No where do *Okuda et al.* teach or suggest that polyvinyl chloride would be the main ingredient of its vibration dampening material. Instead, *Okuda et al.* state that the composite material of their vibration dampening material "includes unvulcanized rubber as a main composition and a vulcanizing agent (crosslinking agent) added thereto." Col. 2, lines 57-59 (emphasis added).

Because nothing in the cited references teaches or suggests all of the features of independent claims 1 and 9, Applicants respectfully request that the rejection of these claims be withdrawn. Pending dependent claims 2, 4-17, and 19 include every feature of independent claims 1 and 9. Thus, pending dependent claims 2, 4-17, and 19 are also allowable over the alleged prior art of record. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Prior Art Made of Record

The alleged prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

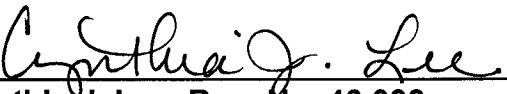
CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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